

Colleen Flynn, State Bar No. 234281
LAW OFFICE OF COLLEEN FLYNN
3435 Wilshire Blvd., Suite 2910
Los Angeles, CA 90010
Telephone: (213) 252-9444
cflynnlaw@yahoo.com

Attorney for Petitioner
ADRIAN RISKIN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

ADRIAN RISKIN,

Petitioner,

vs.

HISTORIC CORE BUSINESS
IMPROVEMENT DISTRICT PROPERTY
OWNERS ASSOCIATION,

Respondent.

Case No. BS174718

(Dept. 85, Hon. James C. Chalfant, presiding)

**PETITIONER'S REPLY IN SUPPORT OF
MOTION FOR AWARD OF
ATTORNEY'S FEES AND COSTS**

Initial Hearing Date: May 12, 2020
Time: 1:30 p.m.
Dept: 85

New Hearing Date: TBD

Respondent HCBID erroneously posits that Petitioner had limited success in this litigation. It further argues, incorrectly, that, after it notified Petitioner it was withholding responsive records as exempt, Petitioner had an obligation to convince HCBID to release the purportedly exempt records before filing suit. HCBID goes on to personally attack Petitioner for the First Amendment protected rhetorical speech he employs on his website, but which HCBID dislikes. For these reasons, HCBID claims the Court should only award a nominal amount of attorney's fees. None of HCBID's arguments have merit. Throughout the litigation HCBID often took unreasonable positions, (e.g., emails sent via email provider mailchimp aren't actually

1 emails), and refused to engage in meaningful negotiation, forcing Petitioner to litigate the matter
2 all the way to successful resolution via a judicial order on the merits of Petitioner's claims.

3 Petitioner prevailed at every stage of the litigation, 1) causing HCBID to withdraw all
4 previously claimed exemptions and voluntarily produce non-redacted files in native format, 2)
5 obtaining a settlement and court order mandating the timeline for HCBID's future CPRA
6 responses, and 3) obtaining a court order requiring the disclosure of additional public records.
7 Petitioner is therefore entitled to a mandatory award of fees. Regarding the requested loadstar of
8 \$77,182.00 in attorney fees, (and \$1,099.25 in costs), HCBID does not dispute a single entry of
9 Petitioner's counsel's time log nor does it offer any evidence to refute the requested hourly rate
10 except the rate paid to HCBID's counsel, which, as explained below, is irrelevant here.
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13 **1. Necessity of Litigation**

14 HCBID's main argument challenging Petitioner's Motion for an Award of Attorney Fees and
15 Costs ("Fee Mtn.") is the necessity of the litigation. HCBID claims "petitioner had not
16 previously asked any questions about the response or made any effort whatsoever to obtain the
17 relief requested in the petition," implying that if Petitioner had just asked, HCBID would have
18 obliged. Respondent's Opposition to Petitioner's Motion for Award of Attorney Fees and Costs
19 ("Opp."), 2, 4, 7. HCBID's claim ignores the clear facts.
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21 **a. HCBID's Pre-Litigation Dilatory Tactics**

22 Petitioner made the five CPRA requests at issue here in 2017 (one on 1/24/17, two on
23 2/22/17, one on 6/26/17, and one on 10/26/17). Between the time Petitioner made these requests
24 and filed his Verified Petition for Writ of Mandate on 8/13/18 ("8/13/18 Petition"), he had to
25 endure HCBID cancelling various appointments to review records, requiring him to review
26 records in a dimly lit room with no chair or table, printing copies in size 4 font, and only
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1 permitting two hours per appointment to review records even though the CPRA mandates that
2 “[p]ublic records are open to inspection at all times during the office hours of the []agency and
3 every person has a right to inspect any public record...” Cal. Govt. Code §6253 (a); See 8/13/18
4 Petition ¶5; Exhibit R to 8/13/18 Petition.

5 Once Mr. Briggs was hired to respond to HCBID’s CPRA requests, its delays and dilatory
6 tactics were so prolonged and unreasonable, Petitioner had no choice but to initiate litigation. See
7 Exhibit V to 8/13/18 Petition. Mr. Briggs ignored status requests, made excuses for months
8 regarding non-compliance, and then either produced a trickle of documents, non-responsive
9 documents from other BIDs, documents Ms. Besten had already produced, or documents co-
10 mingled with many duplicate files, some files duplicated as many as six times, and many not
11 responsive at all. Exhibit W to 8/13/18 Petition; Riskin Decl. ISO Petitioner’s Brief ¶16 (filed
12 7/8/19).

15 **b. HCBID’s Numerous Claimed Exemptions to Disclosure**

16 Before Petitioner filed suit, HCBID claimed a host of exemptions for withholding records
17 including proprietary information, deliberative process, privileged information, personnel
18 information, and personal contact information. 8/13/18 Petition ¶¶11, 21, 29. It is HCBID’s
19 burden to produce non-exempt, responsive records to a CPRA requester. Cal. Govt. Code §6253
20 (a)-(b). Petitioner and Petitioner’s counsel lacked any information about the content of the
21 withheld emails. How, therefore, could they be expected to question the exemptions prior to
22 litigation? Petitioner nevertheless sent follow-up emails for over a year before filing litigation.
23 8/13/18 Petition ¶¶12, 21-27, 29-56. Yet, HCBID only withdrew all claimed exemptions once
24 litigation was filed. HCBID cites to nothing in the record to show it was willing to abandon its
25 claimed exemptions prior to litigation and it cannot, as it never offered to do so. However, it
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1 should have abandoned those claims at the outset, as the released documents show the
2 exemptions were not well taken.

3 Respondent's position that Petitioner must cajole it to reconsider its withholdings before
4 filing is an attempt to improperly shift the burden of proof to Petitioner. If the agency objects to
5 disclosure, *the agency carries the burden of proof to show that the requested records are exempt*
6 *from disclosure*. Cal. Gov't Code §6255. The burden was Respondent's and, as here, when the
7 agency fails to carry that burden, the requested records must be disclosed. *New York Times v.*
8 *Superior Court* (1990) 218 Cal.App.3d 1579, 1586-87 (reversing trial court that failed "to place
9 the burden on the agency to justify withholding the information sought").
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11 **2. Petitioner is Prevailing Party Entitled to an Award of Attorney Fees**

12 **a. Records Voluntarily Produced After Court-Ordered Meet and Confer**

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14 Regarding the documents HCBID produced after Petitioner filed suit but before the Court's
15 11/5/19 order requiring disclosure, there is *no evidence* in the record that HCBID would have
16 produced them without litigation. Opp., 5.
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18 **i. Unredacted, Native Format Email Files**

19 After the Petition was filed but before the Court's 11/5/19 order requiring disclosure, HCBID
20 "withdrew the privacy claim that had been used to redact some email addresses from previously
21 produced records, and then [on 12/31/18, after the court-ordered meet and confer] produced
22 [1,418] unredacted records both in hard copy and in their electronic native format." Opp., 2;
23 Riskin Decl. ISO Petitioner's Brief ¶19 (filed 7/8/19). (Before litigation HCBID produced a set
24 of email files in hard copy, with redactions, even though those records were requested to be
25 produced in native electronic format.) There was no indication that HCBID would have
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1 withdrawn its claimed exemptions and produced the unredacted files in native format had it not
2 been for the litigation and the court-ordered meet and confer process.

3 ***ii. StreetPlus Email Files***

4 HCBID claims the additional StreetPlus emails were produced as soon as the issue was
5 raised. Opp., 6 (“Respondent promptly provided when asked.”). HCBID’s claim is false. The
6 StreetPlus emails were not produced until 12/31/18, after the court-ordered meet and confer, and
7 over four months after the filing of the 8/13/18 Petition seeking their disclosure. Riskin Decl.
8 ISO Petitioner’s Brief ¶18 (filed 7/8/19). Respondent further argues that Petitioner should have
9 known about and specifically asked for the missing StreetPlus emails, but it is unreasonable to
10 expect Petitioner to know that a StreetPlus employee had “temporary use of a Respondent email
11 address.” Opp., 6. It is HCBID’s burden to know what responsive public records it has and
12 produce them when requested.
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15 **b. Records Produced Pursuant to Court Order**

16 ***i. Mailchimp Email Files***

17 Litigation was clearly necessary for the production of the mailchimp files: HCBID is still
18 arguing that the emails it sends via mailchimp aren’t really emails. Opp., 7, 8, 9. Respondent
19 ignores this Court’s November 5, 2019 Order finding that “HCBID’s argument is disingenuous.
20 Riskin’s evidence shows that HCBID sent mailchimp emails.” 11/5/19 Order, 11. Again, when
21 Respondent receives a CPRA request for emails it sends to the City of Los Angeles, it is
22 Respondent’s burden to know what public records it has in its possession, including knowledge
23 of what email providers it utilizes.
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26 HCBID only disclosed the mailchimp files pursuant to the Court’s 11/5/19 Order. The cases
27 Respondent cites are inapposite as they address lawsuits where fees were denied because records
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1 were not produced as a direct result of the litigation and no order issued requiring disclosure.

2 *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469 (agency was in the process of producing the
3 records when petition was filed); *Motorola Communication & Electronics, Inc. v. Dep't of*
4 *General Services* (1997) 55 Cal.App.4th 1340, 1344 (“final production was not prompted by the
5 litigation but rather the delay in production until after issuance of the alternative writ was due to
6 uncertainty over the scope of the request and administrative difficulties”; no order requiring
7 disclosure); *Alliance for Responsible CFC Policy, Inc. v. Costle* (D.D.C. 1986) 631 F.Supp.
8 1469, 1470 (“unavoidable delay accompanied by due diligence”; no order requiring disclosure).

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10 *Belth v. Garamendi* (1991) 232 Cal.App.3d 896, 900, however, confirms that awarding
11 attorney fees and costs is mandatory where petitioner has prevailed in the litigation. It explains
12 an award of fees is not limited to those obtaining a favorable final judgment (as Petitioner
13 obtained here). Attorney fees are also available through the catalyst theory. Obtaining the
14 requested documents is not required to be entitled to fees. *Id.* at 901-02. “If plaintiff’s lawsuit
15 ‘induced’ defendant’s response or was a ‘material factor’ or ‘contributed in a significant way’ to
16 the result achieved then plaintiff has shown the necessary causal connection.” *Id.* at 901, citing
17 *Californians for Responsible Toxics Management v. Kizer* (1989) 211 Cal.App.3d 961, 967.

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20 **c. Searches for Email Records Were Not Difficult or Complicated**

21 HCBID also complains about the “enormous breadth of Petitioner’s requests.” Opp., 7. The
22 requests at issue however, are simple requests for email files. They do not require complicated
23 searches, only entering in recipients and date range. See Riskin Supp. Decl. ISO Petitioner’s
24 Reply Brief ¶2 (filed 8/22/19). Retrieving mailchimp emails also only requires a few steps.
25 Rogers Decl. ISO Petitioner’s Reply Brief ¶5 (filed 8/22/19). Yet, HCBID dragged out its
26 inadequate responses for over a year before Petitioner was forced to file his 8/13/18 Petition.
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1 Considering the multiple issues HCBID had searching for, transferring, reviewing, and
2 producing responsive records, the Court ordered additional searches. On November 5, 2019, the
3 Court granted in part Petitioner's Petition for Order Compelling Disclosure Pursuant to Public
4 Records Act and ordered Respondent to 1) conduct a new search for the January 27, 2017
5 request by searching the emails remaining in Ms. Beston's email account to ensure that no
6 records were missing; 2) produce the 11 printed emails in native electronic format or else explain
7 why they cannot be found and 3) conduct a new search and produce mailchimp records (*i.e.*, list
8 of recipients and copy of email messages sent to those recipients) responsive to Petitioner's
9 CPRA requests, other than the January 27, 2017 request. Although HCBID did not produce
10 additional documents pursuant to the first two court-ordered searches, that the Court ordered
11 them is alone a success for Petitioner as it shows that HCBID's prior searches had not proved
12 adequate to the Court. *Belth v. Garamendi*, 232 Cal.App.3d at 901-02.

15 **d. Joint Stipulation and Court Order on Future CPRA Responses Resolving**
16 **Petitioner's Second Cause of Action**

17 The parties agreed in their Joint Stipulation Regarding Timetable for Respondent's Future
18 Responses to Petitioner's CPRA Requests that entry of the Court's Order completely resolved
19 Petitioner's second cause of action under the California Constitution, Article I, §3 sub. (b)(2)
20 seeking "injunctive and declaratory relief to protect the future exercise of his right of access to
21 public records." 8/13/18 Petition, 19. Without the Joint Stipulation and Court order thereon
22 requiring HCBID to respond to Petitioner's CPRA requests within 30 days unless Respondent
23 shows an extraordinary hardship, HCBID could continue to respond with dilatory and
24 obstructionist tactics. That settlement entitles Petitioner to fees. *Belth*, 232 Cal.App.3d at 901.
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Respondent though now claims that the Court's July 10, 2019 Order Granting the Joint Stipulation "is beyond the power of the Court to grant" and that litigation was not needed to obtain such an agreement. Opp., 2, 6 fn. 1. Respondent cites no authority for this nonsensical position which is all the stranger considering that Respondent concurred in the filing of the *joint* stipulation and proposed order on July 8, 2019. This Court's July 10, 2019 Order is a binding, judicial order whose violation could result in sanctions. *Skulnick v. Roberts Express, Inc.* (1992) 2 Cal.App.4th 884, 889, citing Cal. Code of Civ. Pro. §664.6 (Court may enter judgment pursuant to terms of settlement if parties stipulate in writing to settle all or part of the case). A non-binding, informal agreement about future production timelines would provide Petitioner none of the protections conveyed by the Court's Order.

Furthermore, during the litigation, it was improper for HCBID to try to condition production of these public records on a quid pro quo. Respondent admits it informed Petitioner via its attorney that it would not provide mailchimp emails unless Petitioner agreed to certain demands. Briggs Decl. ISO Opp., ¶6. Agencies are not allowed to condition the production of public records by demanding requestors stop publicly criticizing them or agree to other actions to avoid embarrassment. *Fontana Police Dept. v. Villegas-Banuelos* (1999) 74 Cal.App.4th 1249, 1252 (Fontana attempted to condition production of audio tapes on the requester agreeing to the embarrassing sections being edited out; court confirmed requestor was legally entitled to the unedited tapes). "[A]ccess to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the state." Cal. Govt. Code. §6250.

3. Petitioner's Motives in Pursuing CPRA Litigation

Respondent attempts to attack Petitioner's motives in seeking records through the CPRA. Petitioner's motive in seeking public records is irrelevant and is not a basis to reduce fees. *Los*

1 *Angeles Unified School District v. Sup. Ct.* (2014) 228 Cal.App.4th 222, 242; Cal. Govt. Code
2 §6257.5. Nevertheless, Petitioner’s motives were legitimate. Through the CPRA requests at issue
3 in this petition, Petitioner sought to understand and report on the ways in which HCBID’s staff
4 and board of directors influence City officials with respect to pending legislation and other City
5 matters. Riskin Decl. ISO Petitioner’s Brief ¶7 (filed 7/8/19); see Los Angeles Municipal
6 Lobbying Ordinance, “LAMC” §48.01 *et seq.*

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8 As HCBID uses publicly-disbursed money to collaborate and wield political influence
9 with the City, he also sought to understand and report on the means by which Ms. Besten,
10 Respondent’s Executive Director, collaborates with the staff of other Downtown BIDs to present
11 a unified set of concerns to City staff with whom they interact and lobby. *Id*

12 13 **4. Requested Loadstar is Reasonable**

14 Respondent correctly cites *Los Angeles Times v. Alameda Corridor Trasp. Auth.* (2001)
15 88 Cal.App.4th 1381, 1391-92 for the proposition that “circumstances could arise under which a
16 plaintiff obtains documents, as a result of a lawsuit, that are so minimal or insignificant as to
17 justify a finding that the plaintiff did not prevail.” There are no such circumstances here. In light
18 of Petitioner’s success during the litigation, including the disclosure of almost 1,500 unredacted,
19 native format files, the court-ordered additional searches which led to the disclosure of HCBID’s
20 mailchimp recipient lists and email content, and the stipulation and order mandating timing of
21 future responses, all of the time spent litigating this matter is compensable. HCBID did not
22 dispute a single time entry for Petitioner’s counsel’s work in securing Petitioner’s success in this
23 matter. See Exhibit A to Fee Motion; updated time log attached hereto as **Exhibit 1**.

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26 Furthermore, HCBID provides no relevant evidence to refute Petitioner’s counsel’s
27 requested hourly rate. The only evidence HCBID presents to counter the requested hourly rate is
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1 the \$250 hourly rate Mr. Briggs is charging HCBIC in this matter. Opp., 10. However, the
2 economic model for civil defense work is not the same as for the plaintiffs' bar. Defense counsel,
3 such as Mr. Briggs, have ongoing, regularly paid business from their clients and so can work for
4 discounted rates. *Syers Property III, Inc. v. Rankin* (2014) 226 Cal.App.4th 691, 464 (defense
5 firms typically charge their clients below market rates; when filing a fee motion they can seek
6 hourly rates higher than those they charge their clients who pay hourly). Mr. Briggs "represent[s]
7 or [has] represented some 14 other Business Improvement Districts." Declaration of Jeffrey C.
8 Briggs, ¶1, ISO Opp. (filed 4/13/20). As explained in *Trevino v. Gates* (9th Cir. 1996) 99 F.3d
9 911, 925, "private attorneys often charge lower rates to the government because of the
10 counterbalancing benefits such as repeat business, and [w]here the facts show this, the fee
11 charged by a government attorney is simply irrelevant to the establishment of a reasonable
12 hourly rate for a plaintiff's civil rights lawyer," (citing *Brooks v. Georgia State Board of*
13 *Elections* (11th Cir. 1993) 997 F.2d 857, 869-70). Respondent's only evidence is therefore
14 incompetent for the purpose of determining Petitioner's counsel's rate. Petitioner, on the other
15 hand, has submitted competent evidence in the declarations of counsel and fee experts, Carol A.
16 Sobel and Richard Pearl, to establish the reasonableness of the \$740 hourly rate sought.

20 CONCLUSION

21 For the foregoing reasons, Petitioner respectfully requests the Court issue an order
22 directing HCBID to pay Petitioner his fees in the amount of \$77,182.00 and \$1,099.25 in costs.

23 DATED: April 27, 2020

24 Respectfully submitted,

25 LAW OFFICE OF COLLEEN FLYNN
26 Attorney for Petitioner

27 /s/ Colleen Flynn
28 COLLEEN FLYNN

Time Sheet - Colleen Flynn - Adrian Riskin v. Historic Core BID PRA

DATE	NAME	ACTION	DESCRIPTION	TIME	
6/10/2018	Flynn	tel call w/ Adrian Riskin	Re: PRA petition re 5 requests to Historic Core BID	0.2	Attorney
6/15/2018	Flynn	review docs; draft memo	Re: PRA petition re 5 requests to Historic Core BID	1.2	Attorney
7/10/2018	Flynn	draft doc; review docs	PRA petition; review correspondence b/w Riskin & Besten	3.5	Attorney
7/10/2018	Flynn	tel call w/ Adrian Riskin	Re: facts, chronology, questions re petition	0.5	Attorney
7/11/2018	Flynn	review docs; draft memo	Re: outline for petition	1.6	Attorney
7/12/2018	Flynn	mtg w/ Adrian Riskin	Re: review facts, emails, public interest, etc for petition	1.7	Attorney
8/6/2018	Flynn	draft doc; review docs	re: PRA petition; review correspondence & docs b/w Riskin, Besten & Briggs	2.8	Attorney
8/9/2018	Flynn	draft doc; review docs	re: PRA petition; review correspondence & docs b/w Riskin, Besten & Briggs	3.3	Attorney
8/9/2018	Flynn	tel call w/ Adrian Riskin	Re: reviewing petition, signing verification	0.2	Attorney
8/10/2018	Flynn	mtg w/ Adrian Riskin	Re: review & sign verification; review petition; answer client questions	0.4	Attorney
8/31/2018	Flynn	review doc; draft doc	Notice of trial setting conf	0.1	Attorney
9/11/2018	Flynn	review Jeff Briggs email; reply; cont'd exchange			
9/11/2018	Flynn		Re: setting up call to discuss case	0.1	Attorney
9/11/2018	Flynn	tel call w/ Jeff Briggs	Re: Jeff's request for extension to answer; insurance co issues, offer to try to narrow issues, discussion of exemptions, etc.	0.2	Attorney
9/11/2018	Flynn	email to Adrian Riskin	Re: tel call w/ Briggs & request for extension	0.1	Attorney
9/11/2018	Flynn	tel call w/ Adrian Riskin	Re: Briggs request for extension & discussion of exemptions, etc.	0.1	Attorney
9/11/2018	Flynn	email exchange w/ Jeff	Re: Jeff's request for extension to answer	0.1	Attorney
10/17/2018	Flynn	review Jeff Briggs email; reply	Re: request for additional week to respond to petition	0.1	Attorney
10/17/2018	Flynn	email exchange w/ Jeff Briggs; email client	Re: request for additional week to respond to petition; update re review of requested docs	0.1	Attorney
10/24/2018	Flynn	review Jeff Briggs email; call Briggs	Re: email requesting I call him/ he asked to call me back	0.1	Attorney

10/24/2018	Flynn	tel call w/ Briggs	Re: his review of withheld emails; exemptions, issues w/ his client; his proposal re serving filing answer late	0.2	Attorney
10/24/2018	Flynn	email Adrian Riskin	Re: updates fr Jeff Briggs re HCBID answering the complaint & attny review of withheld records	0.1	Attorney
10/24/2018	Flynn	review Jeff Briggs email; reply; email Adrian Riskin	Re: request for extension to respond to petition; his review of withheld records; Nov 20 trial setting conf	0.1	Attorney
11/2/2018	Flynn	review Jeff Briggs email	Re: he recv'd signed verification; will be filing answer by mail	0.1	Attorney
11/8/2018	Flynn	review Jeff Briggs email; review docs; email exchange w/ Briggs; email exchange w/ Riskin	Re: Jeff's 11/7/18 email re updates on exemptions & doc review; review petition & answer; email w/ Jeff re updates; email w/ Riskin re updates	1.3	Attorney
11/9/2018	Flynn	email Anna Von Hermon	Re: respondent claims exemptions but then says didn't actually withhold docs	0.1	Attorney
11/13/2018	Flynn	email exchange w/ Jeff Briggs	Re: Briggs 11/7 email saying he would let me know early this week if he was producing additional docs	0.1	Attorney
11/20/2018	Flynn	prep for court court appearance; pre-court mtg w/ client; post-court mtg w/ Briggs; post-court meeting w/ client	Re: trial setting conf; review Briggs recent emails	0.1	Attorney
11/20/2018	Flynn	msg exchange w/ Riskin	Re: trial setting conf; mtg w/ both parties	1.7	Attorney
11/20/2018	Flynn	email to Jeff Briggs draft doc; mgs exchange w/ Riskin;	Re: setting depo	0.1	Attorney
11/20/2018	Flynn	email Jeff Briggs	Re: setting up meet & confer, search methodology	0.1	Attorney
11/20/2018	Flynn	email to Jeff Briggs	Re: depo notice for Blair Besten	0.2	Attorney
11/21/2018	Flynn	attend HCBID board meeting; msg to Adrian review Jeff Briggs email; call Briggs;	Re: Respondent's "decision makers" for court-ordered meet & confer	0.1	Attorney
11/28/2018	Flynn	email Adrian	Re: 2019 budget - over \$2mill; up 20% w/ BID renewal	1	Attorney
12/12/2018	Flynn	email exchange w/ Adrian; email Briggs	Re: scheduling meet & confer	0.2	Attorney
12/12/2018	Flynn		Re: scheduling meet & confer & client goals	0.2	Attorney

EX 1 - CF HOURS & COSTS

12/13/2018	Flynn	review Jeff Briggs email; email Riskin	Re: time & location of meet & confer (Jeff refused my request to meet at the BID)	0.1	Attorney
12/20/2018	Flynn	mtg w/ Adrian Riskin	Re: prep for meet & confer; review petition & Briggs emails	0.9	Attorney
12/21/2018	Flynn	prep for meet & confer	Review emails w/ Jeff Briggs & petition	0.5	Attorney
12/21/2018	Flynn	mtg w/ Briggs & Blair Besten @ Briggs' ofc review notes & A Riskin email; draft email to Jeff Briggs;	Meet & confer Re: providing previously exempt docs in elect format; new searches, agreement re future PRA response protocol	1.1	Attorney
12/23/2018	Flynn	send to Adrian Riskin review A Riskin email; edit email & send to Briggs	Confirming info from HCBID and agreements @ meet & confer	0.2	Attorney
12/23/2018	Flynn		Re: confirming email re meet & confer	0.1	Attorney
12/28/2018	Flynn	review Briggs email; email A Riskin review Briggs email & A Riskin emails; reply to Riskin	Re: confirming email re meet & confer - Briggs additions - email to Riskin & about discovery	0.1	Attorney
1/2/2019	Flynn		Re: docs just produced by Briggs to Riskin	0.1	Attorney
1/3/2019	Flynn	tel call w/ A Riskin	Re: response to Briggs production; still sooo inadequate	0.2	Attorney
1/3/2019	Flynn	analyze docs; draft email to Briggs review Briggs email;	Re: review HCBID's 12/31/18 production & identify all deficiencies; draft email to Briggs	0.5	Attorney
1/4/2019	Flynn	email A Riskin draft docs; email	Re: HCBID response to 1/3/19 email re cont'd deficiencies	0.1	Attorney
1/7/2019	Flynn	exchange w/ A Riskin	Requests for production & rogs Review emails w/ Jeff Briggs & petition; finalize rogs	2.2	Attorney
1/8/2019	Flynn	prepare for court	Con't trial setting conf; post-court conf w/ Briggs re depo dates & discovery	0.5	Attorney
1/8/2019	Flynn	court appearance	Re: update re court; discuss ways	2	Attorney
1/8/2018	Flynn	tel call w/ Adrian Riskin draft proposal; email A Riskin	to resolve case	0.2	Attorney
1/8/2019	Flynn		re: resolving case; follow-up from court	0.2	Attorney
1/9/2019	Flynn	finalize doc; email Briggs	Re: follow-up from court; cont'ing depo date; proposal to resolve case	0.1	Attorney
1/17/2019	Flynn	tel msg & email to Briggs	Re: plz respond to 1/9 email re rescheduling depo & my settlement offer	0.1	Attorney
1/30/2019	Flynn	review Briggs email	Re: rescheduling Besten depo	0.1	Attorney

EX 1 - CF HOURS & COSTS

1/31/2019	Flynn	review Briggs email; msg exchange w/ A Riskin; email Briggs	Re: rescheduling Besten depo	0.2	Attorney
1/31/2019	Flynn	email exchange w/ Brggs; email Adrian	Re: Riskin's 1/9 settlement offer	0.1	1/31/2001
1/31/2019	Flynn	review doc; email Adrian	Re: HCBID/StreetPlus contract - esp section re daily/weekly reports req'd	0.1	Attorney
2/1/2019	Flynn	review Briggs email; reply	Re: responding to Petitioner's discovery - request for word versions	0.1	Attorney
			Re: HCBID request for extension; request we pick up redacted docs from his office; coordinate w/ Adrian time to review discovery responses, prep for depo & pick up docs	0.2	Attorney
2/6/2019	Flynn	review Brrigs email; tel call to Adrian; reply to Briggs	Re: moving depo date; picking up docs	0.1	Attorney
2/6/2019	Flynn	email exchange w/ Briggs & Adrian	Re: HCBID rog responses, R4P responses, prep for Besten depo	2.6	Attorney
2/14/2019	Flynn	review docs; mtg w/ Adrian R	Re: R4P, Set 2	0.1	Attorney
2/15/2019	Flynn	draft doc; email Briggs	Re: Spenser v. Lunada Bay Boys		
		review doc; tel msg to Meridian Discovery; email Adrian	Order to release phone for extraction; call re poss sup of additional searches	0.2	Attorney
2/19/2019	Flynn	tel call from A Gungor, Meridian Discovery; email to A Gungor; email Adrian	Re: requesting court order their company to supervise searches; info for conflict check etc	0.2	Attorney
2/19/2019	Flynn	tel msg to Jeff Briggs	Re: no response to Petitioner's settlement offer	0.1	Attorney
2/19/2019	Flynn	prep for Besten depo	Re: review petition, answer, notes from meetings & calls w/ Briggs	1.6	Attorney
2/20/2019	Flynn	review Nancy email & tel msg; reply	Re: depo tomorrow	0.1	Attorney
2/20/2019	Flynn	prep for depo	Re: draft outline for depo; review docs including discovery responses	2.8	Attorney
			Re: review discovery responses, petition, answer; review questions w/ Adrian	1.8	Attorney
2/21/2019	Flynn	prep for depo; client mtg	Blain Besten	2.1	Attorney
2/21/2019	Flynn	deposition	Re: depo follow-up	0.2	Attorney
2/21/2019	Flynn	mtg w/ Adrian Riskin	Re: MailChimp search	0.1	Attorney
2/21/2019	Flynn	email Briggs	Re: cont'd trial setting conf; review notes & emails w/ Briggs	0.4	Attorney
3/5/2019	Flynn	prep for court	Re: cont'd trial setting; mtg re responding to settlement offer, stip to briefing sched, next steps	1.6	Attorney
3/5/2019	Flynn	court; post court mtg w/ Briggs; post court mtg w/ Adrian			

EX 1 - CF HOURS & COSTS

3/5/2019 Flynn	emails to Briggs & Adrian	Re: briefing schedule, settlement offer	0.1	Attorney
3/13/2019 Flynn	email to Briggs	Re: no response to my 3/5 post-court email??	0.1	Attorney
3/19/2019 Flynn	review Briggs email & document	HCBID response to R4P, Set 2	0.1	Attorney
3/20/2019 Flynn	review Briggs email	Re: briefing schedule, Mailchimp	0.1	Attorney
3/29/2019 Flynn	tel msg & email to Briggs	Re: briefing schedule, Mailchimp	0.1	Attorney
4/1/2019 Flynn	review Briggs email; reply	Re: briefing schedule	0.1	Attorney
7/4/2019 Flynn	review docs; outline doc	Review petition, answer, written discovery, depo trx, communications b/w Briggs & AR; communications b/w Briggs and CF; communications b/w AR & CF; outline trial brief	2.6	Attorney
7/4/2019 Flynn	review docs; outline doc	Review petition, answer, written discovery, depo trx, communications b/w Briggs & AR; communications b/w Briggs and CF; communications b/w AR & CF; outline trial brief	1.2	Attorney
7/5/2019 Flynn	draft docs; email exchange w/ A Riskin; email Jeff Briggs; tel msg to Jeff Briggs	Re: Joint Stip & Proposed Order re Petition c/a #2 agreement re future responses/productions	0.7	Attorney
7/5/2019 Flynn	draft doc; research	Opening Brief/Trial Brief; facts/ case background, relief requested, summary of PRA requests, research legal standard; outline arguments	2.9	Attorney
7/5/2019 Flynn	draft doc; research	Public Interest in Disclosure/records are public records; Respondent claimed no exemption	2.5	Attorney
7/6/2019 Flynn	draft doc; research	Waiver re emails/addresses; meet & confer/previously redacted records; failure to search & produce; standard re adequate search; failure to do adequate search	1.4	Attorney
7/6/2019 Flynn	draft doc; research; email exchange w/ Adrian Riskin	Waiver re emails/addresses; meet & confer/previously redacted records; failure to search & produce; standard re adequate search; failure to do adequate search	2.6	Attorney

EX 1 - CF HOURS & COSTS

7/7/2019 Flynn	review docs; draft doc; tel call w/ Adrian Riskin	Re: failure to search Mailchimp; review depo trx & emails; section re stip re c/a 2; searches must be supervised	1.8	Attorney
7/8/2019 Flynn	review docs; draft docs; tel call & email exchange w/ AR	Draft declarations, review docs for Exhibits	1.4	Attorney
7/8/2019 Flynn	review/revise draft doc; tel call and email exchange w/ AR	finalize brief/decs/exhibits for filing	1.2	Attorney
7/8/2019 Flynn	review/revise draft doc; email exchange w/ AR	finalize brief/decs/exhibits for filing	2.5	Attorney
8/8/2019 Flynn	review doc	HCBID's Opp Brief & Exhibits	0.5	Attorney
8/8/2019 Flynn	review Briggs email; reply; further exchange	Re: complying with Court's rules re trial notebook & exhibits	0.1	Attorney
8/8/2019 Flynn	email exchange w/ AR	Re: HCBID's opp & scheduling call re Petitioner's reply brief	0.1	Attorney
8/12/2019 Flynn	tel call from Briggs	Re: lodging trial notebook	0.1	Attorney
8/12/2019 Flynn	prep for mtg w/ AR; mtg w/ AR	Review petition, answer, brief, & opp; mtg re gmail search issues, MailChimp, attacks on AR/intent of PRA requests, 1st Am	1.4	Attorney
8/12/2019 Flynn	meail to and exchange msgs w/ Kath Rogers	Re: how to access sent emails in MailChimp; decl	0.2	Attorney
8/13/2019 Flynn	exchange emails w/ NLG-LA staff & ED; draft doc	Re: dec re retrieving recipient list and emails sent through MailChimp	0.3	Attorney
8/16/2019 Flynn	draft doc	Begin outlining reply brief/arguments/facts	1.8	Attorney
8/19/2019 Flynn	draft doc	Draft reply brief - intro, search issues, extraction issues, MailChimp issues	1.5	Attorney
8/19/2019 Flynn	draft doc	Draft reply brief - intro, search issues, extraction issues, MailChimp issues	2.2	Attorney
8/21/2019 Flynn	draft doc	Draft reply brief - rebut claims against AR, draft dec, exhibits	1.5	Attorney
8/22/2019 Flynn	draft doc	Finalize brief/decs/exhibits for filing; tel call & email exchange w/ AR	2.5	Attorney
8/26/2019 Flynn	review msg from Dept 85 clerk, call Jeff Briggs	Re: msg that J. Chalfant needs to change hearing date from 9/3 to 9/5; Jeff will be at funeral in Minnesota 9/5	0.1	Attorney
8/26/2019 Flynn	tel call to clerk	New date - Sept 17th	0.1	Attorney

EX 1 - CF HOURS & COSTS

		Sept 17th works for Jeff; when I called clerk back that date no longer good for the court - shell call back w/ new date		
8/26/2019	Flynn	tel call to Jeff; tel call to clerk	0.1	Attorney
8/26/2019	Flynn	tel call fr clerk; email Jeff & AR	0.1	Attorney
11/2/2019	Flynn	prepare for hearing	1.3	Attorney
11/3/2019	Flynn	prepare for hearing	1.5	Attorney
11/4/2019	Flynn	review doc; update doc	0.6	Attorney
11/4/2019	Flynn	tel call w/ AR prep for court; review docs; prepare arguments	0.2	Attorney
11/5/2019	Flynn	court appearance; pre-court mtg w/ client; post-court mtg w/ Briggs; post-court meeting w/ client; travel	0.4	Attorney
11/5/2019	Flynn	travel	1.9	Attorney
11/7/2019	Flynn	draft doc; call Briggs	0.2	Attorney
11/7/2019	Flynn	email Briggs; email AR	0.1	Attorney
11/7/2019	Flynn	finalize doc; email Briggs; file; check filing fee	0.1	Attorney
11/12/2019	Flynn	review Briggs email; reply	0.1	Attorney
11/14/2019	Flynn	email Briggs	0.1	Attorney
11/14/2019	Flynn	call from Briggs	0.1	Attorney
11/16/2019	Flynn	review Briggs email; email A Riskin	0.1	Attorney
11/18/2019	Flynn	review A Riskin email; draft email to Briggs, email qusetions to AR	0.1	Attorney
11/18/2019	Flynn	review A Riskin email; email Briggs	0.1	Attorney
11/18/2019	Flynn	review Briggs email; reply	0.1	Attorney

EX 1 - CF HOURS & COSTS

11/21/2019 Flynn	tel call fr Brigg	Re: discuss resolving mailchimp search; writ; settlement	0.2	Attorney
11/21/2019 Flynn	draft doc; email AR	Re: call w/ Briggs, Briggs proposal for producing mailchimp files	0.1	Attorney
11/22/2019 Flynn	review Briggs email; reply	Brigg's update re writ/mailchimp	0.1	Attorney
11/22/2019 Flynn	review doc	Re: Fee award in Riskin v Larchmont	0.1	Attorney
11/25/2019 Flynn	review doc; draft doc; email Briggs	Re: review terms of order re writ & judgment; draft proposed writ & judgment; email Briggs re form & time to meet & confer re objections	0.2	Attorney
12/4/2019 Flynn	review Briggs email; reply	Re: Briggs' suggested edits to proposed writ/judgment	0.1	Attorney
12/5/2019 Flynn	edit doc; email Briggs	Re: update writ/judgment w/ Briggs' proposed edits; email Briggs re changes & new doc & re next steps	0.1	Attorney
12/5/2019 Flynn	review Briggs email; edit doc; reply	Re: Briggs' additional proposed edits	0.1	Attorney
12/8/2019 Flynn	draft docs; email Briggs	Re: finalize proposed judgment, review court order, draft dec re objections, email Briggs	0.3	Attorney
12/8/2019 Flynn	review Briggs email; reply; tel msg to Briggs	Re: Briggs email asking me to give him until Monday - unclear if he has further objections to judgment?	0.1	Attorney
12/9/2019 Flynn	Briggs	Re: writ & judgment; OSC on 12/17	0.1	Attorney
12/10/2019 Flynn	vm from clerk; email Briggs	Re: OSC off calendar; file motion or negotiate fees?	0.1	Attorney
12/11/2019 Flynn	review Briggs email; reply	Re: writ & judgment, negotiating fees	0.1	Attorney
12/10/2019 Flynn	talk to clerk	Re: judgment, writ & \$25 fee	0.1	Attorney
12/19/2019 Flynn	draft docs	Re: writ & stip re attny fee mtn	0.5	Attorney
12/19/2019 Flynn	email Briggs	Re: writ & stip re attny fee mtn	0.1	Attorney
12/23/2019 Flynn	review Briggs email; finalize doc; email Briggs; file	Re: stip to extend date to file attny fee mtn	0.2	Attorney
12/23/2019 Flynn	draft ltr; calculate fees			
12/23/2019 Flynn	& costs; email Briggs	Re: demand to resolve fees & costs	0.2	Attorney
1/9/2020 Flynn	tel call to Dept 85	Re: status of writ	0.1	Attorney
1/10/2020 Flynn	clerk's office	Re: status of writ - they mailed it yesterday	0.2	Attorney
1/12/2020 Flynn	review doc; email Jeff	Re: writ of mandate & order on stip re attny fee motion deadlines	0.1	Attorney

EX 1 - CF HOURS & COSTS

2/10/2020	Flynn	review Jeff Briggs email; forward to Adrian, exchange w/ Adrian	Re: compliance w/ court order on PRA petition	0.2	Attorney
2/10/2020	Flynn	email to Jeff Briggs	Re: compliance w/ court order on PRA petition & resolving fees/costs	0.1	Attorney
2/12/2020	Flynn	tel msg to Jeff Briggs	Re: resolving fees/costs - haven't gotten a response from him	0.1	Attorney
2/13/2020	Flynn	review Briggs email; reply	Re: P's offer to resolve fees sent in Dec 2019	0.1	Attorney
2/20/2020	Flynn	tel msg & email to Briggs	Re: D's failure to respond to P's 12/23/2019 offer to resolve fees	0.1	Attorney
2/20/2020	Flynn	review Jeff Briggs email; reply	Re: D still has no counter to resolve fees	0.1	Attorney
2/28/2020	Flynn	research	Re: standard for fees - catalyst theory & judicial order, lodestar factors	1.6	Attorney
2/29/2020	Flynn	draft docs	Re: fee motion & fee dec	2	Attorney
3/1/2020	Flynn	research; draft docs; review docs	Re: fee motion, fee dec, supporting cases fee orders	3.4	Attorney
3/1/2020	Flynn	draft docs	Re: fee motion & fee dec	1.3	Attorney

TOTAL HOURS = 99.3

4/5/2020	Flynn	review email from Clerk De Luna	Re: vacating trial date; brief due dates	0.1	
4/15/2020	Flynn	email Jeff Briggs	Re: info from court	0.1	
4/17/2020	Flynn	review docs	Re: D's Opp, exhibits, attny fee mtn & opp	1	
4/23/2020	Flynn	outline & draft doc	Reply ISO attny fee mtn	1.5	
4/23/2020	Flynn	draft doc & research	Reply ISO attny fee mtn	1.2	
4/24/2020	Flynn	draft doc & research	Reply ISO attny fee mtn	1	
4/24/2020	Flynn	draft doc	Reply ISO attny fee mtn	2.1	
4/27/2020	Flynn	draft & finalize docs	Reply ISO attny fee mtn & hours	1.6	

COSTS

8/13/2018	\$435.00	Filing fee for petition
8/18/2018	\$35.00	Messenger - serve petition on HCBID
3/20/2019	\$522.00	Depo Trx - Blair Besten
7/8/2019	\$6.75	Filing Fee for Trial Brief
7/8/2019	\$27.30	Filing Fee - Joint Stip re Timetable for Future Responses

EX 1 - CF HOURS & COSTS

8/22/2019	\$6.75 Filing Fee - Reply Brief
	Filing Fee - Notice of
11/7/2019	\$6.75 Ruling
12/8/2019	\$6.75 Filing Fee - Writ & Dec
	Filing Fee for Writ of
12/19/2019	\$25 Mandate
	postage for writ & filing
12/19/2019	\$1 fee
	Filing Fee - Stip Re
12/23/2019	\$27 Attny Fee Mtn

Total Costs	
=	\$1,099.25

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010.

On the date set out below, I served the foregoing document described as **Petitioner's Reply is Support of Motion for Award of Attorney's Fees and Costs** on the following interested parties via E-Mail:

JEFFREY BRIGGS
Briggs Law
3373 Country Home Court
First Floor
Thousand Oaks, CA 91362
jbriggs@jbriggslaw.com

Executed on April 27, 2020 at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the above is true and correct.

/s/ Colleen Flynn

Colleen Flynn